

Solitary Confinement in the United States:

An Annotated Bibliography

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Introduction

Solitary confinement is a frequently utilized, and controversial, form of imprisonment in the United States. Solitary confinement is a highly restrictive, secure housing unit that isolates inmates from the general population who have exhibited violent or disruptive behavior. (Bulman, Garcia, & Hernon, 2012; U.S. Department of Justice, 1999). It is generally characterized as single-cell confinement for 23 hours per day, with one hour per day for exercise or showering (Mears, 2006). The size of the cell may vary but they typically measure between 6x9 and 8x10 feet. The inmates' schedule, time allowed outside, and level of family or social contact is specific to each correctional facility. Inmates can be held in solitary confinement for an indefinite period of time and have minimal contact with other inmates and correctional staff. Correctional facilities in the United States have a variety of names for solitary confinement including administrative segregation, security housing unit (SHU), high security, closed cell restriction, and supermax. Supermax refers to both units within a larger facility or an entire facility comprised of solitary units for high-risk offenders. Solitary confinement is used across varied correctional facilities including those housing adults, juvenile detention centers, and in the detainment of immigrants. The extreme isolation created by solitary confinement has led to much research and criticism of this form of imprisonment, its alleged impact on the health and safety of inmates, and larger human rights implications. In an effort to provide a broad overview of the subject, this annotated bibliography highlights notable government documents, actions at the federal and state level, and research available through government resources to address solitary confinement in United States prisons.

Methodology

This annotated bibliography is organized into seven sections: Understanding Solitary Confinement, Federal & State Legislative Efforts, Health, Human Rights, Immigration & Solitary Confinement, Supreme Court Cases, and Related Resources. Each section is intended to familiarize the reader with government literature and actions significant to the United States' use of solitary confinement. The aforementioned definition of solitary confinement is the working definition used throughout this annotated bibliography. Because of the fluid terminology associated with the topic, the annotations will refer to solitary confinement, administrative segregation, and supermax housing or prisons interchangeably. These are the most frequently used terms present in the citations and the terms used to compile the bibliography. The annotations will each refer to the practice with the term used in the specific document.

Documents were located online using FDsys, U.S. Department of Justice, National Library of Medicine, ProQuest Congressional Publications, HeinOnline, and Google. The following Agencies within the Department of Justice were consulted: Office of the Attorney General, Bureau of Justice Statistics, Civil Rights Division, Criminal Division, Federal Bureau of Prisons, National Criminal Justice Reference Service, National Institute of Corrections, National Institute of Justice, and the Office of Justice Programs. The terms “solitary confinement”, “administrative segregation”, and “supermax housing (or prison)” were used to search each database. Reports and scholarly research were included if they were located in government sources. Many court cases and state legislation were located that relate to this topic but the ones selected are of particular significance or currency. The many reports and resources produced by outside organizations on solitary confinement are beyond of the scope of this bibliography but related links are included at the conclusion. Documents are cited according to the University of Memphis' Brief Guide to Citing Government Citations.

Understanding Solitary Confinement

- 1) Comptroller General of the United States. *Behavior Modification Programs: The Bureau of Prisons' Alternative to Long Term Segregation*. ONLINE. 5 August 1975. Government Accountability Office. Available: <http://www.gao.gov/assets/120/114301.pdf>. [6 April 2014].**

This report highlights efforts by the Bureau of Prisons (BOP) to improve the direction and evaluation of behavior modification programs for inmates housed in long-term segregation units. The Government Accountability Office (GAO) concludes that the efforts of the BOP have not been well managed, including the lack of an assessment of the inmates in segregated units and the identification of a need for controlled treatment programs. The GAO recommends that the BOP determine the characteristics of those in long-term segregation, determine the need for controlled treatment programs, determine if policy changes are needed, and establish periodic evaluations and follow up procedures inmate readjustment.

- 2) Lawrence, S. & Mears, D.P. *Benefit Cost-Analysis of Supermax Prisons: Critical Steps and Considerations*. ONLINE. January 2006. National Institute of Justice. Available: <https://www.ncjrs.gov/pdffiles1/nij/grants/211972.pdf>. [5 April 2014].**

The Urban Institute conducted research, funded by the National Institute of Justice, to analyze the economic benefit of existing supermax prison units and to familiarize policymakers and corrections officers with the Benefit Cost-Analysis tool. The goal of this report is to assist in determining whether it is effective to allocate resources for supermax facilities.

- 3) Mears, D.P. *Evaluating the Effectiveness of Supermax Prisons*. ONLINE. January 2006. National Institute of Justice. Available: <https://www.ncjrs.gov/pdffiles1/nij/grants/211971.pdf>. [5 April 2014].**

The Urban Institute conducted research, funded by the National Institute of Justice, to help state and federal correctional systems make decisions about investing in supermax prisons. The report presents an empirically based framework to guide research on the goals, impacts, and financials of these units. The study is based on a survey of state prison wardens and interviews with 60

corrections administrators, wardens, officers, and state legislators. The results suggest a variety of different goals and intended and unintended impacts associated with supermax prisons. The report concludes that while supermax prisons do address a need, the effectiveness of these facilities is unknown and questionable and challenges remain regarding their assessment.

- 4) **“Solicitation for a Cooperative Agreement—Classification of High Risk and Special Management Inmates in Prison Systems.” 65 Federal Register (24 November 2000). ONLINE. Available: <http://www.gpo.gov/fdsys/pkg/FR-2000-11-24/pdf/00-30034.pdf>. [6 April 2014].**

This document solicits a cooperative agreement initiative, developed by the National Institute of Corrections, to conduct research and develop products related to the classification of high risk offenders. The document calls for the creation of an Advisory Committee (comprised of correctional experts) and project team to work to address offender management and internal classification that is objective and promotes informed, rational, and consistent decision making toward high risk offenders. The anticipated outcomes include the ability of facilities to allocate and manage resources effectively, a better means of managing and/or reducing risk, and the ability to utilize information to plan interventions where appropriate.

- 5) **U.S. Const. amend. VIII. ONLINE. n.d. FDsys. Available: <http://www.gpo.gov/fdsys/pkg/GPO-CONAN-1992/pdf/GPO-CONAN-1992-7.pdf>. [5 April 2014].**

Criticism of solitary confinement as unconstitutional often references the phrase “nor cruel and unusual punishments inflicted” from this amendment.

- 6) **U.S. Department of Justice. *Supermax Housing: A Survey of Current Practices*. ONLINE. March 1997. National Institute of Justice. Available: <http://static.nicic.gov/Library/013722.pdf>. [5 April 2014].**

The National Institute of Corrections Prison Division and Information Center conducted a nationwide survey of supermax practices in December 1996. The survey sought to identify current and planned supermax housing, inmate management, and programming available to these

inmates. This report presents the findings of the survey, including tables representing plans for construction and the capacity and characteristics of existing units.

7) U.S. Department of Justice. *Supermax Prisons: Overview and General Considerations*. ONLINE. January 1999. National Institute of Justice. Available: <https://s3.amazonaws.com/static.nicic.gov/Library/014937.pdf>. [5 April 2014].

The term “supermax prison” is used to refer to a variety of corrections programs and facilities.

The working definition presented by this document is: “a highly restrictive, high-custody housing unit within a secure facility, or an entire secure facility, that isolates inmates from the general prison population and from each other due to grievous crimes, repetitive assaultive or violent institutional behavior, the threat of escape or actual escape from a high-custody facility(s), or inciting or threatening to incite disturbances in a correctional institution.” This document explores the development of supermax prison units and related issues in an attempt to provide a benchmark for correctional systems in defining and operating these units.

8) U.S. Department of Justice. *What is Administrative Segregation?*. ONLINE. 26 March 2012. National Institute of Justice. Available: <http://www.nij.gov/journals/269/pages/administrative-segregation.aspx>. [5 April 2014].

This article presents a definition for solitary confinement. Solitary confinement, or administrative segregation, is used to address prisoners who exhibit violent or disruptive behavior. Solitary confinement is typically characterized by confinement to a single cell for 23 hours per day, with one hour out of the cell for exercising and showering. The article refers to the Colorado prison system to describe the size of the cells and inmate policies to further illustrate the prison environment.

9) U.S. Government Accountability Office. *Bureau of Prisons: Improvement Needed in Bureau of Prisons’ Monitoring and Evaluation of Impact of Segregated Housing*. ONLINE. 1 May 2013. Government Accountability Office. Available: <http://www.gao.gov/products/GAO-13-429> [6 April 2014].

This report was compiled by the Government Accountability Office (GAO) to review the Bureau of Prisons' (BOP) segregated housing unit practices. The report addresses trends in the segregated housing population, the extent to which the BOP monitors how prisons enforce policies in these units, and the extent to which the BOP has evaluated the impact of segregated housing on the safety of its inmates. GAO recommended that the BOP develop monitoring requirements specific to segregated housing units, clarify the goals and objectives of a new software program intended to address documentation issues, ensure that any current study of these units addresses the impact on institutional safety, and assess the impact of long-term segregation.

10) U.S. Department of State. *A Practical Guide to Understanding and Evaluating Prison Systems*. ONLINE. May 2012. U.S. Department of State. Available: <http://www.state.gov/documents/organization/210347.pdf>. [5 April 2014].

This manual was produced by the three bureaus of the Department of State—International Narcotics and Law Enforcement Affairs (INL), Democracy, Human Rights, and Labor (DRL), and Consular Affairs (CA)—to provide State Department personnel with an overview of the prison systems, operations, and nomenclature. Administrative segregation is defined and referenced throughout the manual. The document provides a comprehensive overview, which is helpful to contextualize the role of supermax units.

Federal & State Legislative Efforts

(Note: The status of the legislation is recorded at the beginning of each entry.)

1) Colorado State Assembly. 68th General Assembly, Regular Session. *SB11-176, A Bill for an Act Concerning Appropriate Use of Restrictive Confinement*. ONLINE. Colorado General Assembly. Available: http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/A88F4FFC795C5C79_872578080080E624?Open&file=176_01.pdf. [7 April 2014].

This bill was enacted in 2011. It sets forth requirements to be met before a Colorado state inmate, including those with significant mental illness or impairment, may be placed in an

administrative segregation unit. It also sets the limits for release from the unit, including a mental health evaluation. This bill specifies that an inmate housed in administrative segregation be given the opportunity to accrue earned time to be deducted from their sentence and be given adequate time to reintegrate into the general population before being released.

2) New York State Assembly. 2007-2008, Regular Session. A09342. ONLINE. State of New York. Available:
http://assembly.state.ny.us/leg/?default_fld=&bn=A09342&term=2007&Summary=Y&T_ext=Y. [6 April 2014].

This legislative measure was enacted in January 2008. It aims to improve treatment for mentally ill inmates by requiring that inmates with serious mental illness be removed from segregated housing units and placed in specialized residential mental health facilities. The legislation orders the New York State Department of Corrections to conduct a mental health assessment and periodic reassessments of all inmates placed in solitary confinement. The Office of Mental Health and Department of Corrections will jointly operate the mental health treatment units. This bill also mandates increased mental health training for corrections officers and staff.

3) Prison Litigation Reform Act of 1995, Pub. L. No. 104-134, § 110 Stat. 1321 (1996).

Congress sought to curb what was perceived as a large number of frivolous prisoner lawsuits by amending and supplementing the U.S. Code to make it harder for prisoners to file lawsuits in Federal Court while incarcerated. Significant characteristics of the Act include: Exhaustion of Administrative Remedies, requiring that no action can be brought regarding prison conditions until an administrative grievance has been filed and administrative options exhausted, limits to civil action that can be brought by a prisoner for mental or emotional injury suffered while in custody “without a prior showing of physical injury”, and the Three Strikes Provision stating that if an inmate has had three prior lawsuits dismissed as “frivolous, malicious, or failing to state a

claim for relief” they may not proceed without paying up front unless there is imminent danger of physical injury.

- 4) *Solitary Confinement: A Survey of Legislative Reform Efforts*. ONLINE. 15 February 2014. Legal Services for Prisoners with Children. Available: <http://solitarywatch.com/wp-content/uploads/2011/01/Solitary-Confinement-Reform-Legislation.pdf>. [6 April 2014].

This document lists the legislative efforts related to solitary confinement policies, by state. It includes a brief description, date of introduction, and status of the legislation.

- 5) U.S. House. 94th Congress, 1st Session. *H.R. 6689, Prisoner Rights Act*. ONLINE. Congress.gov. Available: <http://beta.congress.gov/bill/94th-congress/house-bill/6689?q=%7B%22search%22%3A%5B%22%5C%22solitary+confinement%5C%22%22%5D%7D>. [6 April 2014].

This bill was introduced on May 6, 1975. It prohibits the inhumane treatment of inmates, sets forth minimum standards to be followed before a Federal prisoner can be placed in solitary confinement, and regulates the treatment of an inmate in such confinement.

- 6) U.S. House. 113th Congress, 2nd Session. *H.R. 4124, Protecting Youth from Solitary Confinement Act*. ONLINE. FDsys. Available: <http://www.gpo.gov/fdsys/pkg/BILLS-113hr4124ih/pdf/BILLS-113hr4124ih.pdf>. [5 April 2014].

This bill was introduced in the House on February 28, 2014. It ensures that “juveniles adjudicated in federal delinquency proceedings are not subject to solitary confinement while committed to juvenile facilities.” The bill amends Section 5039 of title 18, United States code, by adding language to address the aforementioned subject of the bill and an amendment that the Director of the Board of Prisons will submit report to the President and Congress at the end of each fiscal year including a detailed analysis about the rate in which juveniles are subject to solitary confinement and the trends and demographics related to the juvenile.

- 7) U.S. Senate. 107th Congress, 1st Session. *S. 1174, Children’s Confinement Conditions Improvement Act of 2001*. ONLINE. Congress.gov. Available: <http://beta.congress.gov/bill/107th-congress/senate->

[bill/1174?q=%7B%22search%22%3A%5B%22%5C%22solitary+confinement%5C%22%22%5D%7D](#). [6 April 2014].

This bill was introduced in Senate on July 12, 2001. It authorized the Assistant Attorney General for the Office of Justice Programs to make grants for funding to enhance juvenile correctional facilities or develop separate facilities for juveniles. It also called for access to educational programs, vocational training, and mental and physical health treatment. Specifically, the bill calls on the Government Accountability Office to study the prevalence and effects of solitary confinement on juvenile offenders.

8) U.S. Senate. 113th Congress, 1st Session. *S. 162, Justice and Mental Health Collaboration Act of 2013*. ONLINE. FDsys. Available: <http://www.gpo.gov/fdsys/pkg/BILLS-113s162rs/pdf/BILLS-113s162rs.pdf>. [5 April 2014].

This bill was introduced in the Senate on January 28, 2014. It reauthorizes and improves the Mentally Ill Offender Treatment and Crime Reduction Act of 2004. Regarding correctional facilities, the bill states that the Attorney General may award grants to applicants to enhance correctional facilities. This includes the development, implementation, and enhancement of alternatives to solitary confinement and mental health screening and treatment for those in solitary confinement.

Health

1) Bulman, P., Garcia, M., & Heron, J. *Study Raises Questions About Psychological Effects of Solitary Confinement*. ONLINE. 26 March 2012. National Institute of Justice. Available: <http://www.nij.gov/journals/269/Pages/solitary-confinement.aspx>. [5 April 2014].

A one-year study, funded by the National Institute of Justice, to assess the psychological effects of solitary confinement on male inmates in the Colorado is summarized. Unlike previous studies that have reported on the damage to one's psychological health, this study found that the mental health of most inmates sampled did not decline during the course of the study. The authors of the

summary conclude by recognizing various limitations of the study and noting it “adds to the knowledge base, but it does not resolve the debate about the effectiveness” of the practice.

- 2) California Department of Corrections and Rehabilitation. *Background: Hunger Strikes in California Prisons*. ONLINE. October 2013. State of California. Available: <http://www.cdcr.ca.gov/stg/docs/Fact%20Sheet-hunger%20strikes%20in%20CA%20prisons.pdf>. [7 April 2014].**

As a response to the hunger strikes in prisons throughout California, the state released this informational document with facts and figures regarding the hunger strikes in July and September 2011 and July 2013. The hunger strikes by inmates were a response to the California Department of Corrections and Rehabilitation’s (CDCR) Segregated Housing Unit policies. This document details the timeline of the strikes and number of inmates involved. It also links to the CDCR’s blog, featuring their response to each of the strikers’ demands.

- 3) Gendreau, P. & Theriault, Y. *Bibliotherapy for Cynics Revisited: Commentary on One Year Longitudinal Study of the Psychological Effects of Administrative Segregation*. ONLINE. 2011. National Institute of Corrections. Available: <http://community.nicic.gov/blogs/mentalhealth/archive/2011/06/21/bibliotherapy-for-cynics-revisited-commentary-on-one-year-longitudinal-study-of-the-psychological-effects-of-administrative-segregation.aspx>. [5 April 2014].**

The authors review the report on solitary confinement in Colorado (O’Keefe et al., 2010), funded by the National Institute of Justice. They discuss research on the effects of solitary confinement, prison life, and sensory deprivation that offer’s support for the Colorado report’s findings but argues for the replication of their study. The authors also recommend research and clinical practices aimed at ensuring that inmates are treated humanely.

- 4) Haney, C. *Testimony of Professor Craig Haney, Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights Hearing on Solitary Confinement*. ONLINE 19 June 2012. U.S. Senate. Available: http://www.durbin.senate.gov/public/index.cfm/files/serve?File_id=60d33684-06d6-4cf1-bd95-58564e9dc8e8. [6 April 2014].**

Craig Haney, Professor of Psychology at University of California, Santa Cruz, testifies on the psychological risks of solitary confinement and makes mental health recommendations. Haney notes that he has studied the psychological effects of solitary confinement for 30 years. He advocates for reform of the corrections practice and recommends mental health screening and transitional programs for inmates who have lived in solitary confinement units.

5) National Institute of Corrections. *Mentally Ill Persons in Corrections*. ONLINE. n.d. U.S. Department of Justice. Available: <http://nicic.gov/mentalillness>. [7 April 2014].

This is a resource guide within the National Institute of Corrections' website. It provides background information on mentally ill persons in corrections as well as related links and recommended reading, including documents related to solitary confinement and mental health.

6) O'Keefe, M.L., Klebe, K.J., Stucker, A., Sturm, K., & Leggett, W. *One Year Longitudinal Study of the Psychological Effects of Administrative Segregation*. ONLINE. 31 October 2010. National Institute of Justice. Available: <https://www.ncjrs.gov/pdffiles1/nij/grants/232973.pdf>. [5 April 2014].

This is the full report of a study, funded by the National Institute of Justice, to observe any mental health effects of solitary confinement of the course of one year. The study sample was of men in the Colorado prison system. The report states that its results are inconsistent with the hypotheses, also reflected in the bulk of literature, that solitary confinement was detrimental to inmates with and without mental illness. The study found that there was an initial improvement in the psychological well being of 20% of the inmates sampled while 7% worsened. The segregated inmates were elevated on various psychological and cognitive measures but elevations were seen in the comparison groups, as well, suggesting that high psychological disturbance is not unique to this environment. The findings of this study have been highly cited in the current conversation on solitary confinement.

- 7) Rhodes, L.A. (2005). Pathological effects of the supermaximum prison. *Am J Public Health*, 95(10), 1692-1695. Retrieved from: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1449421/>.

The author explores the effects of prison on the mental health of the incarcerated. Using the graphic drawings of an inmate in a Pennsylvania supermax prison, the author poses an argument that confinement exacerbates mental illness, affects the psychology and self-perception of prisoners, and raises questions of the consequential effects of the U.S. prison complex.

- 8) Rhodes, L.A. & Lovell D. *Is "Adaptation" the Right Question? Addressing the Larger Context of Administrative Segregation: Commentary on One Year Longitudinal Study of the Psychological Effects of Administrative Segregation*. ONLINE. 2011. National Institute of Corrections. Available: <http://community.nicic.gov/blogs/mentalhealth/archive/2011/06/21/is-adaptation-the-right-question-addressing-the-larger-context-of-administrative-segregation.aspx>. [7 April 2014].

Based on the study of solitary confinement in Colorado (O'Keefe et al., 2010), funded by the National Institute of Justice, the authors discuss the context within which supermax confinement occurs. The authors stress the need to contextualize both the person and environment when studying solitary confinement. They present a critical analysis of the Colorado study based on these factors and raise questions for future study.

- 9) Smith, P.S. *The Effects of Solitary Confinement: Commentary on One Year Longitudinal Study of the Psychological Effects of Administrative Segregation*. ONLINE. 2010. National Institute of Corrections. Available: <http://nicic.gov/library/025885>. [5 April 2014].

The author examines the study of solitary confinement in Colorado prisons (O'Keefe et al., 2010), funded by the National Institute of Justice. He places his analysis within the context of comparable European research and offers a critical analysis of the research techniques of the Colorado study and discussion of future research in this area.

- 10) "Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities; Final Rule." 79 *Federal Register* (7 March 2014). ONLINE.

Available: <http://www.gpo.gov/fdsys/pkg/FR-2014-03-07/pdf/2014-04675.pdf>. [6 April 2014].

The Department of Homeland Security issued regulations to set standards to prevent, detect, and respond to sexual abuse and assault in confinement facilities. This document outlines the standards. Administrative segregation may be used by correctional facilities when a detainee is vulnerable to sexual abuse and assault. The document establishes standards for this practice and recommends that restrictive housing be carefully considered, particularly in the case of juveniles.

Human Rights

1) California Assembly & Senate Public Safety Committee. *California Department of Corrections and Rehabilitation's Proposed New Policies on Inmate Segregation: The Promise and Imperative of Real Reform*. ONLINE. 11 February 2014. California State Senate. Available:
<http://spsf.senate.ca.gov/sites/spsf.senate.ca.gov/files/Jt.%20Hearing%20Transcript%202-11-14.pdf>. [6 April 2014].

Assemblymember Tom Ammiano and Senator Loni Hancock discuss California's conditions of solitary confinement in this informational hearing as a response to the 2013 California prison hunger strike.

2) Commission on Safety and Abuse in America's Prisons. *Confronting Confinement*. ONLINE. 8 June 2006. Vera Institute. Available:
<http://sentencing.nj.gov/downloads/pdf/articles/2006/Jun2006/document3.pdf>. [7 April 2014].

This report was located in the Document Library of the New Jersey Commission to Review Criminal Sentencing's website. It is a report by the Vera Institute of Justice to address violence and abuse in U.S. prisons, the impact on public safety and health, and recommendations on how corrections facilities can become safer and more effective. The report details the conditions of solitary confinement, health implications for inmates, and recommendations for limiting this form of imprisonment.

- 3) U.S. Department of State. *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. ONLINE. 9 February 2000. United Nations Committee on Torture. Available: <http://www.state.gov/documents/organization/100296.pdf>. [7 April 2014].

This report was presented by the U.S. Department of State to the United Nations Committee on Torture. It addresses torture and law enforcement through the country's constitutional and legal framework. Throughout the report, segregation is referenced for its use as a security measure.

- 4) U.S. Senate. Subcommittee on Constitution, Civil Rights and Human Rights; Committee on the Judiciary. *Reassessing Solitary Confinement: The Human Rights, Fiscal, and Public Safety Consequences*. (S52-20120619-01; Date: 19 June 2012). ONLINE. ProQuest Congressional Publications. Available: HTTP://congressional.proquest.com.proxy.libraries.rutgers.edu/congressional/docview/t2_9.d30.s52-20120619-01?accountid=13626. [7 April 2014].

This hearing was intended to examine the use of solitary confinement in U.S. prisons. The hearing addressed the prevalence of the practice, particularly related to its use in punishing non-violent behavior. The large financial expense, evidence of its counterproductivity, and evidence that suggests it increases recidivism rates are addressed.

- 5) U.S. Senate. Subcommittee on Constitution, Civil Rights and Human Rights; Committee on the Judiciary. *Reassessing Solitary Confinement II*. (S52-20140225-02; Date: 25 February 2014). ONLINE. ProQuest Congressional Publications. Available: http://congressional.proquest.com.proxy.libraries.rutgers.edu/congressional/docview/t29_d30.s52-20140225-02?accountid=13626. [5 April 2014].

This was a continuation of the 2012 hearing, *Reassessing Solitary Confinement*. It examined the human rights and public safety issues related to solitary confinement as response to the dramatic increase in its use since the 1980s. Proposals and efforts to reform solitary confinement practices were also reviewed. Six witnesses addressed issues including the Bureau of Prisons' use of restrictive housing, problems associated with subjecting women to this environment, and related public safety and human rights issues.

Immigration & Solitary Confinement

- 1) Andrews, R. [NJ-D]. “National Defense Authorization Act for Fiscal Year 2014.” *Congressional Record* ONLINE 14 June 2013. Congress.gov. Available: <http://beta.congress.gov/congressional-record/2013/6/14/house-section/article/h3594-6>. [5 April 2014].

Congressman Andrews proposed an amendment to eliminate the funding increase for the supermax facility at Guantanamo Bay and bar construction of permanent facilities at the location. In his argument, he states that the cost of incarcerating someone in a Federal maximum-security \ facility is \$34,000 per year while the cost per person at Guantanamo is \$1.6 million per year.

- 2) Immigration and Customs Enforcement. *Review of the Use of Segregation for ICE Detainees*. ONLINE. 4 September 2013. Department of Homeland Security. Available: http://www.ice.gov/doclib/detention-reform/pdf/segregation_directive.pdf. [7 April 2014].

This document establishes policies and procedures for Immigration and Customs Enforcement detainees placed in segregated housing. It reviews relevant definitions, policies regarding selection for placement in segregated housing, extended segregation placement policies, and criteria for evaluation of placement.

- 3) U.S. House. 111th Congress, 2nd Session. *H.R. 4470, Safe Treatment, Avoiding Needless Deaths, and Abuse Reduction in the Detention System Act*. ONLINE. Congress.gov. Available: <http://beta.congress.gov/bill/111th-congress/house-bill/4470?q=%7B%22search%22%3A%5B%22%5C%22solitary+confinement%5C%22%22%5D%7D>. [6 April 2014].

This bill was introduced on March 1, 2010 to ensure that individuals detained under the Immigration and Nationality Act were treated humanely and granted specific protections. This act set forth minimum requirements regarding these detainees, including limiting solitary confinement.

- 4) U.S. Senate. 110th Congress, 2nd Session. *S. 3114, Secure and Safe Detention and Asylum Act*. ONLINE. Congress.gov. Available: <http://beta.congress.gov/bill/110th-congress/senate-bill/3114?q=%7B%22search%22%3A%5B%22%5C%22solitary+confinement%5C%22%22%5D%7D>. [6 April 2014].

This bill was introduced on June 11, 2008. It set for procedures and standards applicable to the humane treatment of those detained in custody of the Department of Homeland Security, and the conditions of such custody. The bill calls for limitations on solitary confinement and a potential detention alternative program under which detainees would be released under enhanced supervision.

Supreme Court Cases

1) Estelle, Corrections Director, et al. v. Gamble, 429 U.S. 97. (1976).

This case is highly cited because it established that the incarcerated have a constitutional right to medical care under the Eighth Amendment. J.W. Gamble, an inmate at the Texas Department of Corrections, filed a civil suit after he was injured while performing work in prison. He claimed that he was inadequately treated, forced to continue working, and that he was subject to cruel and unusual punishment in violation of the Eighth Amendment due to the deliberate indifference of personnel. After refusing to work he was placed in solitary confinement and denied medical care. The Supreme Court subsequently established health care as a constitutional right of inmates.

2) Hutto et al. v. Finney et al., 437 U.S. 678. (1978).

During the 1970s, the federal district court of Arkansas issued a series of orders aimed at remedying conditions of the state's prison system. This case, concerning punitive isolation and violations of the Eighth Amendment, was brought before the Supreme Court. Inmates challenged the state prison's policy of punitive isolation, a practice that was done for indiscriminate periods of time and subjected inmates to life in crowded, windowless cells. The Supreme Court held that isolation itself was not unconstitutional but Arkansas' prison conditions and holding inmates in punitive isolation beyond thirty days constituted cruel and unusual punishment.

3) Wilkinson, Director, Ohio Department of Rehabilitation and Correction, et al. v. Austin et al., 04-495 U.S. Reports 1. (2004).

This case addressed whether the procedures for moving inmates to supermax prisons protects their liberty interests. Ohio State Penitentiary (OSP), the state's sole supermax facility, developed a written policy to establish guidelines for the selection and classification of inmates. The inmates filed suit against OSP claiming that they had a liberty interest to not be assigned to a more restrictive prison than necessary and that OSP's guidelines violated their Fourteenth Amendment right to procedural due process. The Trial Court in Ohio found that OSP's procedures did not guarantee due process but Ohio appealed and the case reached the Supreme Court. The Supreme Court reversed the Trial Court of Ohio's decision, stating that the Fourteenth Amendment does not guarantee that prisoners will not be placed in more restrictive conditions and that OSP's procedures satisfy due process.

Related Resources

Human Rights Watch: <http://www.hrw.org>

Solitary Watch: <http://solitarywatch.com>

Stop Solitary- Resources for Advocates, American Civil Liberties Union:

<https://www.aclu.org/stop-solitary-resources-advocates>

VERA Institute of Justice: <http://www.vera.org>